

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 177

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING TRACTOR-TRAILER TRAFFIC ON CERTAIN SPECIFIED ROADS WITHIN THE TOWNSHIP, CREATING EXCEPTIONS, AUTHORIZING THE POSTING OF SIGNS, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Board of Supervisors of Rush Township are concerned that numerous tractor-trailer size vehicles are frequently using several Township roads which based on their size, condition and surroundings were not built or intended to accommodate such use; and

WHEREAS, in order to protect the safety and general welfare of the residents of the Township, the Board of Supervisors believe it to be in the best interests of the Township to prohibit the using of certain Township roads by tractor-trailer size vehicles;

NOW, THEREFORE be it ENACTED and ORDAINED as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the Rush Township Tractor-Trailer Vehicle Ordinance.

Section 2. Definitions.

The following words shall have the following meanings throughout this Ordinance unless the context clearly indicates otherwise:

“Person” - any individual, corporation, or any other legal entity.

“Township” - Rush Township, Schuylkill County, Commonwealth of Pennsylvania.

“Tractor-Trailer Vehicle” - Any motor vehicle containing in excess of 6 wheels, whether on one part or on two or more parts joined together, a purpose of which is to transport goods, and commonly known as a tractor-trailer truck. This word/definition does not include the following: a fire truck or other emergency response vehicle; a truck designed to pick-up, store and transport home furnishings and household items for the purpose of moving them from one residence to another, i.e. a moving truck; a motor vehicle designed primarily for overnight accommodation, or a motor vehicle hooked to and pulling a unit designed primarily for overnight accommodation, i.e. a camper.

Section 3. Prohibitions and Exceptions.

A. No Person or operator shall cause any Tractor-Trailer Vehicle to travel on or traverse the following roads within the Township: Tamaqua Street; Mariner Street; Wyoming Street; Birch Street, Sunset Street, Grove Street; and Purnell Avenue.

B. No Person or operator shall be in violation of this Section of this Ordinance if such individual is causing any Tractor-Trailer Vehicle to travel or traverse any of the listed Township roads if the purpose of the traveling on or traversing is:

1) to make a delivery from the Tractor-Trailer Vehicle to a residence located on the Township road being traveled on or traversed; or

2) to return to a residence if the Person or operator causing the traveling on or traversing lives on such Township road and stores the Tractor-Trailer Vehicle at his or her residence.

Section 4. Posting.

The Township may, in its discretion, consistent with any legal requirements of the relevant state and federal authorities such as the Commonwealth of Pennsylvania Department of Transportation, post the Township roads specified in Section 3A of this Ordinance with signs indicating the prohibitions established by this Ordinance, stating local deliveries only, or otherwise warning Persons or operators potentially impacted by this Ordinance of the prohibitions thereof. The Township is hereby authorized to take whatever steps may be required to so post the Township roads with such signs if it so chooses to do so. Failure by the Township to exercise its discretion to post signs does not excuse any Person or operator from a violation of this Ordinance.

Section 5. Penalties and Enforcement.

Enforcement of this Ordinance may be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person or operator of a Tractor-Trailer Vehicle violating any provisions of this Ordinance, upon conviction, shall pay court costs, shall pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars per violation, and/or be sentenced to a term of imprisonment upon conviction or for failure to pay a fine or costs for a time not exceeding ninety (90) days per violation. Each day on which a violation of this Ordinance occurs shall be considered a separate violation. Nothing stated above shall prevent the Township in its discretion from seeking equitable relief to abate any violation of this Ordinance.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal or unenforceable, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed separate, distinct and independent from the remainder of this Ordinance, and the remainder of this Ordinance shall have full force and effect.

Section 7. Repealer.

If any prior ordinance or the provisions of any prior ordinance are inconsistent with this Ordinance or any provisions of this Ordinance, the prior ordinance or the provisions of the prior ordinance are hereby repealed to the extent necessary to give effect to this Ordinance and the provisions of this Ordinance.

Section 8. Effective Date.

This Ordinance shall be effective immediately upon enactment or on the first day allowed by law thereafter, whichever occurs first.

ENACTED and ORDAINED this 16 day of August, 2012.

ATTEST:

Darlene Fenstermacher
Secretary

RUSH TOWNSHIP
BOARD OF SUPERVISORS

Shirley E. Gille
[Signature]
Jeanine Motrone